

## 7. Military Leave

### a. General Provisions

(1) Full-time employees serving in permanent or term appointments who are members of the Armed Forces Reserve or the National Guard accrue 120 hours (15 days x 8 hours) of military leave per fiscal year. Members of a reserve component of the Armed Forces or the National Guard are entitled to use military leave for active duty, inactive-duty training (as defined in section 101 of title 37), or engage in field or coast defense training under sections 502-505 of title 32. Part-time employees and employees on uncommon tours of duty accrue military leave on a prorated basis (the rate determined by dividing 80 into the number of hours in the employee's regularly scheduled pay period and multiplying this number by 120). For example, a firefighter who works 144 hours per pay period would accrue 216 hours of military leave per fiscal year.

(2) Military leave is charged on a fiscal year basis and permits an employee to carry forward up to 15 days of unused military leave from the prior fiscal year.

(3) Employees who request military leave for inactive duty training (which generally is 2, 4, or 6 hours in length) will be charged only the amount of military leave that the employee would otherwise have worked and received pay. The minimum charge to leave is 1 hour.

(4) An employee who is on military leave on a regularly scheduled overtime day is entitled to overtime pay for that day.

(5) If an employee is called for a period of training or active duty in excess of the current fiscal year accrual, any carry over military leave, annual leave or LWOP must be used.

(6) When an employee granted a leave of absence (e.g., military leave, annual leave, etc.) is released from military duty, the employee is entitled to return to work with the same seniority, status, pay, and vacation he or she would have enjoyed had he or she not been absent from duty.

(7) Additional military leave up to 22 workdays per calendar year is authorized for employees who perform military duty for the purpose of enforcing laws, as in during a riot or to prevent looting following a natural disaster. Upon the employee's request, absence for this type of service may be charged to accrued annual leave or accrued compensatory time (the period of absence may not be charged to sick leave).

b. Procedures. Employees requesting military leave should do so as far in advance as possible. They shall present a completed OPM Form 71 and a copy of their military orders to their first-level supervisor or team leader. Upon return from duty, the employee using military leave shall immediately submit a certified copy of their orders indicating endorsement or completion of the duty to their servicing payroll clerk.

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## 8. Bone Marrow and Organ/Tissue Donation

a. Screening. Employees wishing to volunteer to serve as prospective donors must schedule their absence from work in advance. Prospective donors will be excused without charge to leave for the purpose of blood drawing and typing. Following the blood typing, if an individual is accepted as a potential initial match, prospective donors must obtain supervisory approval to participate in the possible match to ensure the donor's availability for the procedure. The government will not be responsible for any costs associated with the donation process.

b. Paid Leave. If selected as a marrow/tissue donor, the employee will be granted up to seven days of paid leave per calendar year for the purpose of further blood drawing, preliminary physical examination, marrow/tissue collection, and recovery. Absences in excess of 7 workdays will be charged to the employee's sick leave or annual leave balance. Employees who donate organs for transplants may, in any calendar year, be granted up to 30 days of paid leave, in addition to annual and sick leave for organ donation.

c. Return to Duty. When returning to duty, the employee shall provide medical documentation supporting the absence. The supervisor will use that documentation to support the granting of paid leave. If the employee is released to duty with documented temporary physical limitations, management will make every practical effort to comply with the physician's recommendations.

9. Voluntary Leave Transfer Program (VLTP)

a. Definition. The Voluntary Leave Transfer Program became effective with enactment of Public Law 100-566, October 31, 1988. The program implements the requirements for transferring unused, accrued annual leave of a civilian employee for use by another civilian employee who needs such leave because of a medical emergency. A medical emergency is a medical condition of an employee or a family member of such duration that it is likely to require the employee's absence from duty for a prolonged period of time, and result in a substantial loss of income to the employee because of the unavailability of paid leave.

(1) Available Paid Leave. Available paid leave includes accrued or accumulated annual or sick leave, and recredited and restored annual and sick leave. It does not include annual or sick leave advanced to an employee or accrued while the employee is participating in the VLTP. Sick leave available to an employee to care for a family member shall be considered available paid leave for the purpose of determining an employee's eligibility to become a leave recipient.

(2) Family Member. A family member is any of the relatives of the employee as defined in paragraph 2.d.(1).

(3) Leave Donor. An employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient who is approved by the donor's employing agency.

(4) Leave Recipient. A current employee for whom the employing agency has approved an application to receive annual leave from the annual leave accounts of one or more donors.

(5) Medical Emergency. A medical condition of an employee or a family member of such employee that is likely to require an employee's absence for a prolonged period of time and to result in a substantial loss of income to the employee (i.e., the absence from duty without available paid leave is, or is expected to be, at least 24 hours) because of the unavailability of paid leave.

(6) VLTP Administrator. A person designated to coordinate applications for the VLTP and track the status of VLTP participants for an organization or a portion thereof. The VLTP administrator may be the servicing Human Resources Advisor (HRA), a centralized person in the servicing Human Resources Office (HRO), or located in the administrative office servicing the organization. Although the supervisor may serve as the VLTP administrator, it is recommended that a more centralized administrator be appointed to ensure consistent tracking of program participants.

b. Applying to Become a Leave Recipient

(1) An employee affected by a medical or family medical emergency must apply in writing to become a leave recipient. Employees shall use OPM OF-630 (Jun 2001), Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program (see Appendix C),

Leave Recipient Application Under the VLTP, for such purpose. If the employee is unable to apply on his or her own behalf, a person designated as the employee's personal representative may make written application on the employee's behalf. Medical documentation must accompany the request.

(2) In addition to the information requested by OPM, OF-630, applicants must list the anticipated duration of the medical emergency, and, if it is a recurring one, the approximate frequency of the medical emergency affecting the applicant (list in block 7).

c. Approval of Leave Recipient Application

(1) The supervisor must determine that the potential recipient's absence from duty without available paid leave is expected to be at least 24 hours (in the case of a part-time employee or employee with an uncommon tour of duty, at least 30 percent of the average number of hours in the biweekly pay period).

(2) An employee's availability to use paid sick leave to care for a family member shall be considered available paid leave for the purpose of determining an employee's eligibility to become a leave recipient.

d. Notifying the Potential Leave Recipient of the VLTP Application for Leave Transfer

(1) The supervisor shall review the leave recipient application in consultation with the servicing HRA and determine if the criteria above are met. If the supervisor approves the application, then within 10 calendar days (excluding Saturdays, Sundays, and legal holidays) of receipt of the application, the supervisor or VLTP administrator shall notify the applicant, or personal representative, that:

(a) the application has been approved; and

(b) other employees may request the transfer of annual leave to the account of the leave recipient.

(2) The VLTP administrator shall forward the approved copy of the OPM OF-630 to the leave recipient's servicing payroll office and a copy to the servicing HRA (if the VLTP administrator is not the servicing HRA) and provide the leave recipient with a completed copy of Appendix E, VLTP Application for Leave Transfer memo, specifying the conditions the recipient must meet to remain eligible for the leave transfer program.

(3) If the application is disapproved, the supervisor shall consult with the VLTP administrator within the time frame above, and notify the applicant that:

(a) the application has been disapproved;

(b) the reasons for the disapproval; and

(c) the employee's grievance rights.

e. Monitoring Program Participants

(1) The VLTP administrator shall continuously monitor the status of the medical emergency to ensure that the recipient is still affected by the emergency.

(2) The VLTP administrator shall request updated medical documentation from the program participant or the participant's personal representative as needed to determine the status of the medical emergency and the recipient's continued participation in the program.

(3) The VLTP administrator shall keep track of program records and medical documentation, ensuring that regulatory requirements are met, and advising supervisors of the status of the program participant in the program.

(4) The VLTP administrator shall inform the payroll office when the medical emergency has terminated and the participant is no longer in the VLTP.

f. Leave Donors

(1) Any employee wishing to donate leave to an approved recipient within their agency must submit their application using OPM OF-630A (see Appendix D). All requests to donate leave should be accompanied by a copy of the most recent Leave and Earning Statement (LES), to their immediate supervisor.

(2) The supervisor must review the donor application form and LES to determine that the applicant has a sufficient leave balance to cover the donation and that the hours to be donated do not exceed more than half of the amount the employee will earn that leave year. If the leave donor is projected to forfeit leave, the maximum amount that may be donated during the leave year will be the lesser of:

(a) one-half the amount of annual leave the applicant would accrue during the leave year in which the donation is made; or

(b) the number of hours remaining in the leave year (as of the date of the transfer) for which the employee is scheduled to work and receive pay.

(3) Level 1 Competency Heads or PEOs may waive the limitation above, if good cause exists. The applicant must submit a separate, signed written statement to the Level 1 Competency Head or PEO via the supervisor, certifying the donor's awareness that the application exceeds the limitations and describing the unusual circumstances inherent in the request. If the waiver request is approved, the Level 1 Competency Head or PEO shall submit it to the VLTP administrator who will forward it to the servicing payroll office and send a copy to the supervisor.

(4) Employees may not donate leave to their immediate supervisor.

(5) The minimum amount of leave that may be donated is one hour.

g. Notification of Need for Leave Donors. Supervisors will ensure that the leave recipient has authorized release of information pertaining to the recipient's name and nature of the medical emergency (block 14, OPM OF-630), before engaging in any publicity efforts.

h. Notification to Leave Donors

(1) If the leave donor's application is approved, the VLTP administrator will notify the donor of the following (via Appendix F):

(a) the number of hours of annual leave that will be transferred; and

(b) the entitlement to have a portion of the unused transferred annual leave restored at the termination of the leave recipient's medical emergency.

(2) If the application is disapproved, the VLTP administrator will notify the employee in writing regarding:

(a) the reason for the disapproval; and

(b) the employee's grievance rights.

i. Retroactive Substitution

(1) Annual leave transferred to a recipient's credit may be substituted retroactively for periods of LWOP, or used to liquidate an indebtedness for advanced annual or sick leave, granted on or after a date fixed by the leave recipient's employing agency as the beginning of the period of medical emergency for which LWOP or advanced annual or sick leave was granted.

(2) For employees applying for disability retirement, the commencing date of an immediate annuity is based on the last day of an employee's pay status. For annuity purposes, the recipient should apply all transferred leave retroactively to the beginning of LWOP to maximize annuity payments.

j. Termination of Medical Emergency

(1) The medical emergency affecting a leave recipient is terminated when:

(a) the recipient's federal service terminates;

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(b) the end of the biweekly pay period in which the leave recipient (or personal representative) provides a written notice that the recipient is no longer affected by a medical emergency;

(c) at the end of the biweekly pay period in which management determines, after written notice to the employee, and the employee's (or personal representative's) opportunity to answer orally or in writing, that the recipient is no longer affected by a medical emergency; or

(d) the end of the biweekly pay period in which management receives notice that the OPM has approved an application for disability retirement.

(2) When the medical emergency terminates, the supervisor shall provide a written notice to the servicing payroll office, so that office can notify donors of the amount of unused leave to be restored to their accounts.

k. Restoration of Annual Leave. Restoration of transferred annual leave in a leave recipient's account shall be handled per 5 CFR 630.911. Upon notification of restoration, donors shall provide a written notice to their servicing Payroll Office detailing how the restored leave shall be credited.

#### 1. Transfer of Annual Leave To/From Other Agencies

(1) Transfer of annual leave from donors employed by other activities/agencies shall be accepted when:

(a) a family member of a leave recipient is employed by another activity/agency and requests the transfer of annual leave to the leave recipient;

(b) in the judgment of the supervisor, the amount of annual leave transferred from internal leave donors may be insufficient to meet the needs of the leave recipient; or

(c) acceptance of leave transferred from another activity/agency will further the purpose of the leave transfer program.

(2) In the event an employee wishes to donate leave to an approved leave recipient at another federal agency, the donor completes OPM OF-630B (see Appendix G). The employee submits the application and a copy of their latest LES to their VLTP Administrator or Payroll Office.

m. Grievance Rights. The decision to disapprove an application to receive or donate annual leave is a grievable matter. Non-bargaining unit employees wishing to grieve a disapproval shall use the administrative grievance procedure. Bargaining unit employees must use the applicable negotiated grievance procedure.

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n. Accrual of Annual and Sick Leave

(1) The maximum amount of leave that a leave recipient may accrue while in a shared leave status is 40 hours of sick leave and 40 hours of annual leave (in the case of a part-time employee or employee with an uncommon tour of duty, the maximum amount is equal to the average number of hours in the employee's weekly scheduled tour of duty).

(2) Any sick and annual leave accrued by a leave recipient while in a shared leave status:

(a) shall be credited to a separate leave account;

(b) is not available for use by the employee until it is transferred to the employee's regular leave account; and

(c) shall be available for use at the beginning of the first pay period on or after the date on which the medical emergency terminates, unless the leave recipient is terminated, or if the employee's medical emergency has not yet terminated and the employee has exhausted all other available leave.

o. Records Maintenance. OPM requires the maintenance of certain records for future possible evaluations of the voluntary leave program's effectiveness.

(1) The HRO shall maintain information on the number of recipient applications approved for medical emergencies affecting the employee and the number approved for medical emergencies affecting a family member, and the grade, pay level and gender of each approved recipient.

(2) Payroll shall maintain information on the total amount of transferred annual leave used by each leave recipient.



10. Time-off for Religious Practices

a. General

(1) An employee whose personal religious beliefs require the abstention from work during certain periods of time may request permission to work overtime hours to earn compensatory time to use for those religious requirements.

(2) Such a work schedule change may be arranged provided it does not interfere with efficient mission accomplishment.

(3) The employee may work the overtime hours before or after the grant of compensatory time-off. The supervisor must approve any overtime used to earn or repay the compensatory time taken. An employee must repay advanced compensatory time-off within 30 calendar days following its use, by working the equivalent amount of overtime. Compensatory time earned is credited to an employee on an hour for hour basis or by using overtime fractions.

(4) The premium pay provisions for overtime work in Part 550 of 5 CFR, and Section 7 of the Fair Labor Standards Act, do not apply to compensatory overtime work for this purpose.